



STATE BOARD OF ELECTIONS

Trey Grayson
Chairman
Secretary of State

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August 8, 2007

VIA FACSIMILE (214) 383-1596 & U.S. Mail

Mr. Dave Byrd, President
Diebold Elections Systems, Inc.
1253 Allen Station Parkway
Allen, TX 75002

Re: Kentucky Voting System Certification Process

Dear Mr. Byrd:

We are in receipt of a copy of the August 8, 2007 letter addressed to you from Attorney General for the Commonwealth of Kentucky, Gregory D. Stumbo, calling "upon Diebold to immediately implement in Kentucky all modifications and security upgrades necessary to correct the vulnerabilities identified by California." We would like to take this occasion to remind you of the voting system certification process in Kentucky and to ensure that Kentucky law is followed if Diebold makes any system upgrades or modifications on voting equipment used in Kentucky elections.

Pursuant to KRS 117.379(1) and KRS 117.381(11), the State Board of Elections may only certify voting systems that meet or exceed all Federal Election Commission voting system standards. As you are aware, the Federal Election Commission's duties in certifying voting systems were subsumed by the Election Assistance Commission ("EAC") created by the Help America Vote Act (HAVA). Therefore, the State Board of Elections may only certify voting systems for use in Kentucky that have first been certified by the EAC.

Pursuant to KRS 117.379(4), "when an electronic voting system has been approved any improvement or changes in the system shall render necessary the examination or approval of such system or improvement." Therefore, if Diebold makes any improvement or change to any of the systems already certified by the State Board of Elections pursuant to the Kentucky Attorney General's request, then Diebold must bring those improvements or changes before the State Board of Elections again for review and certification.

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Furthermore, the State Board of Election may not approve the certification of those improvements or changes until the EAC has issued its certification. Most importantly, pursuant to KRS 117.379(3), Kentucky counties, including your customers, cannot use such improvements or changes in Kentucky elections until such certifications have been issued.

Diebold has consistently followed this process in the past when requesting certification of its products for use in Kentucky. We have every confidence that Diebold will adhere to these statutory processes in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Grayson".

Trey Grayson
Secretary of State
Chairman, State Board of Elections
Commonwealth of Kentucky

CC: Jefferson County Clerk